**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO.548 OF 2006
IN
SUIT NO.253 OF 2000

Smt. Nirmala Trikamdas Guri ..Plaintiff.

Vs.

Trikamdas Kalyanji Guri
& Anr. ..Defendants.

Mr.D.M.Joshi for the Plaintiff to show cause.
Mr.H.M.Pandey for Defendant No.2 in support.

**CORAM : S.J. VAZIFDAR, J.**
**DATED : 30TH AUGUST, 2006**

**P.C. :**

By this Notice of Motion, Defendant No.2 seeks an order discharging the Court Receiver appointed by an order dated 6.10.2001. The order dated 6.10.2001 is a consent order. The parties consented to the Receiver being appointed and also the Receiver appointing an agent on usual terms and conditions including payment of royalty. The parties to the suit were also free to bid. The grievance of Defendant No.2 is that despite the said order nothing has been done till today. Each party blames the other as well as the Court Receiver for the same.

2. Merely because the order has not been executed the parties would not be entitled to seek a discharge of Receiver. Defendant No.2 states that he desires to be appointed as an agent of the Receiver.

3. Liberty to Defendant No.2 to adopt appropriate proceedings and/or to approach the Court Receiver in respect of the said order dated 6.10.2001 for being appointed as an agent of the Court Receiver.

Notice of Motion stands disposed of accordingly.